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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/714,589	11/13/2003	Robert Dale	POLA122017	1694
26389	7590	02/01/2005	EXAMINER	
CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC			NORMAN, MARC E	
1420 FIFTH AVENUE				
SUITE 2800			ART UNIT	
SEATTLE, WA 98101-2347			PAPER NUMBER	
			3744	

DATE MAILED: 02/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/714,589	Applicant(s) DALE, ROBERT	
	Examiner Marc E. Norman	Art Unit 3744	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 May 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4/19/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-7, 14, 16-30, and 32-34 are rejected under 35 U.S.C. 102(e) as being anticipated by Parker et al.

As per claims 1 and 19, Parker et al. discloses cargo compartment 10 having lateral portions (12 & 13), supply conduit 35 adjacent to the sidewalls, and vents to conduct fluid into the cargo compartment (Figure 2).

As per claim 2, Parker et al. discloses temperature/humidity control assembly (including blowers 29, evaporator 27, gas generator 28, controller 90, etc.) which receives air and supplies it to the compartment to control the environment within the compartment.

As per claims 3, 4, 20, and 21, evaporator 27 inherently controls temperature and humidity.

As per claim 5, Parker et al. discloses return conduit 44.

As per claims 6 and 7, Parker et al. discloses stacks 30 and 31 pumping air.

As per claims 14, 16, 30, and 32, Parker et al. discloses the supply conduit being integral with the structure and attached to the lateral portion of the compartment (Figure 2).

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As per claims 17, 18, 33, and 34, the Examiner notes that whether the conduit of Parker et al. is inside or outside of the compartment is a matter of whether one defines the boundaries of the compartment according to walls 12/13 of wall 38. In either event, the claimed alternatives are shown by Parker et al. in Figure 2.

As per claims 22-25, Parker et al. discloses extracting, recirculating, and pumping air (Figure 2).

As per claim 26, Parker et al. discloses supplying the air at multiple elevations (by the various vertically aligned blowers 29 in stacks 30 and 31).

As per claims 27 and 29, the blowers 29 of Parker et al. are aligned at discrete elevations.

As per claim 28, the combined airflow of the 29 provides a substantially vertically continuous airflow along conduits 35.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

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4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 8-12, 15, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parker et al.

As per claim 8, Parker et al. does not specifically teach the container having a corrugated floor. Official notice is taken that such floors are common and well-known in the art of cargo containers irrespective of the type of environmental apparatus being used (see for example Clarke et al.) and, as such, would have been obvious to one of ordinary skill in the art at the time of the invention to apply to the system of Parker et al.

As per claims 9-12, Parker et al. does not specifically teach the configurations of the vents. However, the arrangements listed in these claims are simply alternative arrangements that are matters of simple design choice that would have been obvious to one of ordinary skill in the art. There is nothing inherently novel about venting using a variety of holes, elongated vents, etc.

As per claims 15 and 31, Parker et al. does not teach the supply conduit being separate from the structure. However, this is simply a matter of alternative design choice (as compared to the integral arrangement of claim 14) that would have been obvious to one of ordinary skill in the art.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Parker in view of Franaszek et al.

As per claim 13, Parker et al. does not teach the interior cross-section of the conduit varying inversely with the distance from the fluid supply. Franaszek et al. teaches a cargo air conditioning system wherein supply conduits (148 and 150) vary inversely with the distance

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from the fluid supply 112. It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply this concept to the supply conduit of Parker et al. for the purpose of providing even distribution of airflow throughout the container.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc E. Norman whose telephone number is 571-272-4812. The examiner can normally be reached on Mon.-Fri., 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Denise Esquivel can be reached on 571-272-4808. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MN


MARC NORMAN
PRIMARY EXAMINER